



The removed case is currently pending.

4. L.R. CV-81(c)(2).

A civil cover sheet is being filed concurrently with this removal. A certified copy of the state court docket sheet is attached as Exhibit A. A copy of all pleadings, answers, process, orders, and other filings in the state court action are attached as Exhibit B.

5. Complete list of attorneys.

Counsel for Plaintiffs:

John F. Berry  
Texas Bar No. 02236650  
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Brian E. Richardson  
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Telephone: 903.561.4200  
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Counsel for Defendant:

E. Glenn Thames, Jr.  
Texas Bar No. 00785097  
[glennthames@potterminton.com](mailto:glennthames@potterminton.com)  
POTTER MINTON, A PROFESSIONAL CORPORATION  
110 N. College Avenue, Suite 500  
Tyler, TX 75702  
Telephone: 903.597.8311  
Facsimile: 903.593.0846

6. A record of which parties have requested a jury trial.

No party has requested a jury trial.

7. Name and address of the court from which the case was removed.

The 241<sup>st</sup> Judicial District Court, Smith County, Texas, 100 N. Broadway, Room 220, Tyler, TX 75702.

### **BASIS FOR REMOVAL**

8. This is a civil action over which the Court has jurisdiction under 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between the Plaintiffs and Defendant and (2) more than \$75,000, exclusive of interest and costs, is at stake.

9. Plaintiffs cannot dispute that there is complete diversity of citizenship. Plaintiffs allege that each of them is a Texas corporation. Exhibit B at 1. Defendant is a Delaware corporation.

10. Plaintiffs also cannot contest that there is more than \$75,000 at stake, as they specifically “seek monetary relief of more than \$200,000 ...” in damages. Exhibit B at 1. *See S.W.S. Erectors Inc. v. Infax Inc.*, 72 F.3d 489, 492 (5<sup>th</sup> Cir. 1996) (removing defendant can rely on plaintiff’s statement of amount in controversy); 28 U.S.C. § 1446(c)(2).

### **ALL PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED**

11. National Carwash Solutions, Inc. f/k/a RYKO Solutions, Inc. is the only Defendant. *Id.* It is represented by the undersigned counsel and consents to this removal under 28 U.S.C. § 1446(b).

12. This Notice of Removal has been filed within 30 days of the date that Defendant received the petition in this matter. Removal is therefore timely under 28 U.S.C. § 1446(b).

13. Removal is properly made to this Court under 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the Eastern District of Texas, Tyler Division is the federal judicial district court embracing the 241<sup>st</sup> Judicial District Court of Smith County, Texas, where this action was originally filed.

14. As required by 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendant in state court is attached as Exhibit B.

15. As required by 28 U.S.C. § 1446(d), Defendant will promptly serve all adverse parties and will file with the clerk of the state court a true and correct copy of this Notice of Removal.

**RESERVATION OF RIGHTS AND DEFENSES**

16. Defendant expressly reserves all rights, defenses, and objections to Plaintiffs' petition, this action, or any other action brought by or on behalf of Plaintiffs. Defendant files this Notice of Removal without waiving any such rights, defenses, and objections and intend no admission of fact, law, or liability by filing this Notice.

17. Defendant reserves the right to amend or supplement this Notice of Removal.

Dated: November 6, 2019

Respectfully submitted,

/s/ E. Glenn Thames, Jr.

E. Glenn Thames, Jr.

Texas Bar No. 00785097

[glennthames@potterminton.com](mailto:glennthames@potterminton.com)

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*Attorneys for Defendant National Carwash  
Solutions, Inc. f/k/a RYKO Solutions, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record are being served with this document via electronic means pursuant to Local Rule CV-5(d) on November 6, 2019 as follows:

John F. Berry [jfberry@suddenlink.com](mailto:jfberry@suddenlink.com)  
Brian E. Richardson [brichardson@suddenlink.com](mailto:brichardson@suddenlink.com)

/s/ E. Glenn Thames, Jr.

E. Glenn Thames, Jr.